

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:

Mollie Ann McNeese, Debtor,
150 Hurt Road
Hendersonville, TN 37075

SS# xxx-xx-0974

)
)
)
)
)
)
)

Case No: 17-00316
Chapter 13
Judge Harrison

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: April 4, 2018.
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: Wednesday, April 11, 2018 AT 8:30 a.m.
In COURTROOM 1, SECOND FLOOR CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TN 37203.

NOTICE OF AMENDED MOTION TO UTILIZE INSURANCE PROCEEDS TO PAY SECURED DEBT

Mollie McNeese has asked the court for the following relief: Motion To Utilize Insurance Proceeds to Pay Secured Debt.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion or order, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing, and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: March 14, 2018

Signature: /s/ Eric K. Fox

Name: Eric K. Fox, Attorney for Debtors

Address: 103 Hazel Path Court, Ste. 6
Hendersonville, TN 37075

Telephone: (615) 264-5695

Fax: (615) 264-5655

eric@ericfoxlegal.com

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	
Mollie Ann McNeese, Debtor,)	Case No: 17-00316
150 Hurt Road)	Chapter 13
Hendersonville, TN 37075)	Judge Harrison
)	
SSN: XXX-XX-0974)	

PROPOSED ORDER

Whereas, the Debtor, by her attorney, filed an amended Motion to Utilize Insurance Proceeds to Pay off Secured Debt. Whereas, no opposition to the Motion was filed per local rule 9013, the motion is hereby approved as follows:

1. The Lienholder (Calvary SPV, LLC) will immediately release title on the 2014 Yamaha scooter title no. 96005176 (associated with proof of Claim 16) to Progressive Insurance for the total loss vehicle and deliver said title to Progressive, PO BOX 94742, Cleveland, OH 44101;
2. Progressive Insurance will make insurance proceeds (cash collateral) for total loss vehicle in approximate amount of \$1314.39 payable to the Chapter 13 trustee and deliver said proceeds to the Chapter 13 Trustee, P.O. Box 340019, Nashville, TN 37203-0019, and indicate the name of the debtor (Mollie McNeese) and the case number (17-00316) on the payment;
3. The Chapter 13 Trustee shall disperse the insurance proceeds from Progressive Insurance in the approximate amount of \$1,314.39 related to secured collateral (2014 Yamaha Zuma X50 scooter) to pay the secured claim to Calvary SPV, LLC only (Court Claim 16), after any applicable Trustee Commission;
4. The remaining balance of above-referenced claim will continue to be paid through Debtor's Chapter 13 plan per plan terms.

IT IS SO ORDERED.

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ Eric K. Fox
Eric K. Fox, #022087
Attorney for Debtor
103 Hazel Path Court, Ste. 6

Hendersonville, TN 37075
Telephone: (615) 264-5695
Fax: (615) 264-5655
eric@ericfoxlegal.com

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	
Mollie Ann McNeese, Debtor,)	Case No: 17-00316
150 Hurt Road)	Chapter 13
Hendersonville, TN 37075)	Judge Harrison
)	
SSN: XXX-XX-0974)	

AMENDED MOTION TO UTILIZE INSURANCE PROCEEDS TO PAY SECURED DEBT

Comes now the Debtor, by and through undersigned counsel, and moves the Court for an order to utilize insurance proceeds to pay secured debt associated with said collateral. Progressive insurance has requested language in the order directing the lienholder to release title. In support of this motion, Debtor would state as follows:

- 1) The Debtor filed a Petition for Relief with this Court on January 18, 2017.
- 2) The Meeting of Creditors was held on February 28, 2017; and the plan was confirmed on March 2, 2017.
- 3) Calvary SPV, LLC (Calvary) holds a security interest in a 2014 Yamaha Zuma X50 scooter title no. 96005176 (associated with proof of Claim 16).
- 4) The 2014 Yamaha Zuma X50 scooter was stolen on or around February 12, 2018.
- 5) Progressive Insurance Company holds the insurance proceeds in the amount of \$1,314.39;
- 6) Debtor, by and through counsel, has filed a related motion to modify her plan to apply said proceeds appropriately to the secured claim of Calvary.
- 7) The debtor requests that the insurance proceeds be paid to the Chapter 13 Trustee and dispersed as follows: pay proceeds toward the secured claim (claim #16) of Calvary SPV, LLC; the balance of said claim will continue to be paid through the chapter 13 plan per plan terms.

WHEREFORE, the Debtor respectfully prays that this Honorable Court issue an order,

1. To Direct Progressive Insurance to utilized cash collateral for benefit of associated secured claim to the Chapter 13 Trustee;
2. To Direct Calvary SPV to release salvage title to Progressive insurance;
3. To utilize insurance proceeds to pay secured debt,
4. Directing the Chapter 13 Trustee to disperse the insurance proceeds to pay the secured claim only.

Respectfully submitted on March 14, 2018,

/s/ Eric K. Fox
Eric K. Fox, #022087
Attorney for Debtor
103 Hazel Path Court, Ste. 6

Hendersonville, TN 37075
Telephone: (615) 264-5695
Fax: (615) 264-5655
eric@ericfoxlegal.com

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the Notice, Motion, and Proposed Order has been forwarded to all ECF registered parties via the court's ECF system, including the Ch. 13 Trustee and the U.S. Trustee, and mailed via the U.S. Postal Service to Cavalry SPV, I, LLC, c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Ste. 200, Tucson, AZ 85712, to Progressive Insurance, Fire and Theft, 8001 Centerview Parkway, Suite 301, Memphis, TN 38018 and Debtor, Mollie Ann McNeese, 150 Hurt Road, Hendersonville, TN 37075, on this the 14th day of March, 2018:

Three (3) addresses at \$1.00 each for a total of \$3.00

/s/ Eric K. Fox
Eric K. Fox, #022087